

REMARKS

Claims 1, 11-18, 20, 22, 24, 25, 33-46, 51, 53-55, 59-72 and 74 are pending in the present application, of which claims 1, 25 and 51 are the only independent claims. Claims 1, 11-18, 20, 22, 24, 25, 33-45, 51, 53-55, 59-72 and 74 stand rejected. Applicants have amended claims 1, 25, 38-46 and 51. Claims 12 and 37 have been canceled.

Claim Rejections - 35 USC § 101

Claims 51, 72 and 74 stand rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicants respectfully submit that the rejection is in error and therefore Applicants traverse the rejection. Under MPEP 2111.01, claim terms are given their plain meaning. "Plain meaning refers to the ordinary and customary meaning given to the term by those of ordinary skill in the art." (MPEP 2111). Here, the rejected claims are directed to computer readable storage media, and the examiner has not provided evidence to show that it is the ordinary and customary meaning given to the term by those of skill in the art. Here, the Examiner merely points to a single reference, Nakamura (U.S. Pat. 6, 539,537). (Office Action p. 2). A single reference, however, is insufficient to show that it is the ordinary and customary meaning given to the term by those of skill in the art. Applicants' application is silent on signals and propagating media, however, computer readable medium is discussed. The office action has provided no proof or argument to show that a person having ordinary skill in the art would interpret a computer readable storage medium as *necessarily* including signals and propagating media where the specification makes no such claim.

Claim Rejections - 35 USC § 103

Claims 1, 11-14, 17, 20, 22, 24, 53-55, 65-67 and 69 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. (US Patent 6,330,214 – hereinafter Ohta) and Kaneshige et al. (US Patent 6,360,055 - hereinafter Kaneshige). Applicants have amended claim 1 to recite “provide concurrent reading of a plurality of data streams from the optical medium to a corresponding one of a plurality of buffers, the plurality of data streams comprising at least one real-time data stream, the reading of a first real-time data stream started at time t_x , and the reading of a second data stream of the plurality data streams started at time t_y , where $t_x \neq t_y$.”

In the office action rejection to claim 70, the examiner admits that “Ohta and Kaneshige do not disclose the plurality of data streams comprise a plurality of data streams . . . where where $t_x \neq t_y$.” (Office action p. 26, Paragraph 3). The office relies on U.S. Patent 5,999,691 Takagi to cure this deficiency. Takagi appears to disclose a television receiver with data storage for storing video signals received by the tuner. (Takagi, Abstract). At columns 15:34-36, Takagi appears to describe “ring buffers” whereby “programs A, B, and C are recorded.” It appears that when a user is watching the first channel, the ring buffer will be recording the others, for example a second and third channel. (Takagi, 15:47-65). The video channel output can be changed based on a switch channel input. At that point, the output switches from the first channel to a second channel. The second channel plays off of the buffer, while the first channel is now recording into the buffer. This is different than Applicants’ claim 1 as amended, where there is **concurrent “reading from an optical medium.”** the readings starting at two different times. Takagi appears to disclose only being able to watch one channel at a time, thus there may be recording multiple channels, but there is only ever on reading from a medium going on at any one point in time. As such, Takagi does not teach or suggest the elements of Applicants claims and it is improperly combined with the other references as it is not reading multiple channels from an optical medium at all.

Independent claims 25 and 51 stand rejected under rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta and Takagi. Claims 25 and 51 as amended have limitations similar to that argued above with respect to claim 1. Accordingly, for reasons similar to those above,

Applicants submit that claims 25 and 51 patently define over the cited art Takagi, and Ohta. Applicants respectfully request reconsideration of the rejection.

Dependent claims 11-14, 17, 20, 22, 24, 53-55, 65-67 and 69 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta and Kaneshige. Claims 11-14, 17, 20, 22, 24, 53-55, 65-67 and 69 depend from the independent claims and accordingly, for at least the reasons noted above with respect to claim 1, Applicants submit that claims 11-14, 17, 20, 22, 24, 53-55, 65-67 and 69 define over the cited art and request reconsideration of the rejection.

Claims 15-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta and Kaneshige as applied to claims 1, 11-14, 17, 20, 22, 24, 53-55, 65-67 and 69 above, and further in view of Osakabe (US Patent 6,894,961 – hereinafter Osakabe). Claims 15-16 depend from claim 1. Osakabe is not relied upon to cure the deficiencies of Ohta, Kaneshige and Takagi noted above, and accordingly, for at least the reasons noted above with respect to claim 1, Applicants submit that claims 15-16 define over the art as applied and request reconsideration of the rejection.

Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta and Kaneshige as applied to claims 1, 11-14, 17, 20, 22, 24, 53-55, 65-67 and 69 above, and further in view of Lamkin et al. (US 2002/0078144 - hereinafter Lamkin). Claim 18 depends from claim 1. Lamkin is not relied upon to cure the deficiencies of Ohta, Kaneshige and Takagi noted above and accordingly, for at least the reasons noted above with respect to claim 1, Applicants submit that claim 18 defines over the art as applied and request reconsideration of the rejection.

Dependent Claims 33-40, 43-46, 51, and 72 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta and Takagi (US Patent 5,999,691 – hereinafter Takagi). These claims depend from claim 25. Accordingly, for at least the reasons noted above with respect to claim 25, Applicants submit that the claims define over the cited art. Applicants request reconsideration of the rejection.

Claims 41 and 42 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta and Takagi as applied to claims 25, 33-40, 43-46, 51, 72 and 74 above, and further in view of King et al. (US 2002/0169996 - hereinafter King). Claims 41 and 42 depend from claim 25.

King is not relied upon to cure the deficiencies of Ohta, Kaneshige and Takagi noted with respect to claim 25 above and accordingly, for at least the reasons noted above with respect to claim 1, Applicants submit that claims 15-16 define over the art as applied and request reconsideration of the rejection.

Claims 59 and 64 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta and Kaneshige as applied to claims 1, 11-14, 17, 20, 22, 24, 53-55, 65-67 and 69 above, and further in view of Discenzo et al. (US 2004/0267395 – hereinafter Discenzo). Claims 59 and 64 depend from claim 1. Discenzo is not relied upon to cure the deficiencies of Ohta, Kaneshige and Takagi noted above with respect to claim 1. Accordingly, for at least the reasons noted above with respect to claim 1, Applicants submit that the claims define over the art as applied. Applicants request reconsideration of the rejection.

Claims 60 and 61 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta and Kaneshige as applied to claims 1, 11-14, 17, 20, 22, 24, 53-55, 65-67 and 69 above, and further in view of Vasko et al. (US Patent 7,058,712 – hereinafter Vasko). Claims 60 and 61 depend from claim 1. Vasko is not relied upon to cure the deficiencies of Ohta, Kaneshige and Takagi noted above with respect to claim 1. Accordingly, for at least the reasons noted above with respect to claim 1, Applicants submit that the claims define over the art as applied. Applicants request reconsideration of the rejection.

Claims 62 and 63 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta and Kaneshige as applied to claims 1, 11-14, 17, 20, 22, 24, 53-55, 65-67 and 69 above, and further in view of Horvitz (US Patent 6,009,452 – hereinafter Horvitz). Claims 62 and 63 depend from claim 1. Horvitz is not relied upon to cure the deficiencies of Ohta, Kaneshige and Takagi noted above with respect to claim 1. Accordingly, for at least the reasons noted above with respect to claim 1, Applicants submit that the claims define over the art as applied. Applicants request reconsideration of the rejection.

Claim 68 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta and Kaneshige as applied to claims 1, 11-14, 17, 20, 22, 24, 53-55, 65-67 and 69 above, and further in view of King. Claim 68 depends from claim 1. King is not relied upon to cure the

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deficiencies of Ohta, Kaneshige and Takagi noted above with respect to claim 1. Accordingly, for at least the reasons noted above with respect to claim 1, Applicants submit that the claim defines over the art as applied. Applicants request reconsideration of the rejection.

Claims 70 and 71 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta and Kaneshige as applied to claims 1, 11-14, 17, 20, 22, 24, 53-55, 65-67 and 69 above, and further in view of Lamkin and Takagi. Claims 70 and 71 depend from claim 1. Lamkin is not relied upon to cure the deficiencies of Ohta, Kaneshige and Takagi noted above with respect to claim 1. Accordingly, for at least the reasons noted above with respect to claim 1, Applicants submit that the claims define over the art as applied. Applicants request reconsideration of the rejection.

CONCLUSION

Based on the foregoing remarks and amendments, Applicants respectfully request withdrawal of the rejection and the issuance of a notice of allowance. If, for any reason, the Examiner feels that the claims are not in a condition for allowance, Applicants encourage the Examiner to contact Applicants' undersigned attorney, Tim Mainzer, in order to resolve any remaining issues.

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